

ORDINANCE NO. 11-17

ORDINANCE GRANTING A
CONDITIONAL USE PERMIT (CUP) TO
ALLOW A TECHNICAL SCHOOL
PURSUANT TO HIALEAH CODE §98-
181(2)i., ON PROPERTY ZONED C-2
(LIBERAL RETAIL COMMERCIAL
DISTRICT). **PROPERTY LOCATED AT
3420 WEST 84 STREET, HIALEAH,
FLORIDA.** REPEALING ALL
ORDINANCES OR PARTS OF
ORDINANCES IN CONFLICT
HEREWITH; PROVIDING PENALTIES
FOR VIOLATION HEREOF; PROVIDING
FOR A SEVERABILITY CLAUSE; AND
PROVIDING FOR AN EFFECTIVE
DATE.

WHEREAS, the Planning and Zoning Board at its meeting of February 23, 2011,
recommended approval of this ordinance in substantial form; and

WHEREAS, the Petitioner proffered a declaration of restrictive covenants
limiting the number of students to a maximum of ten per class and limiting the class
hours to evenings between 6:00 p.m. and 9:30 p.m., to which the City accepts.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY
COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to
this ordinance are hereby adopted and incorporated by reference as if fully set forth
herein.

Section 2: The below-described property is hereby granted a conditional use
permit (CUP) to allow a technical school for the training of MRI, Cat-scan and X-ray
technicians pursuant to Hialeah Code §98-181(2)i., on property zoned C-2 (Liberal Retail
Commercial District). The property is located at 3420 West 84 Street, Hialeah, Miami-
Dade County, Florida and legally described as follows:

A PORTION OF TRACT 11 OF CHAMBERS LAND
COMPANY SUBDIVISION IN THE NORTHWEST ¼

OF SECTION 28, TOWNSHIP 52 SOUTH, RANGE 40 EAST, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 2, AT PAGE 68, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID TRACT 11; THENCE NORTH 89°38'18" EASTERLY ALONG THE SOUTH RIGHT-OF-WAY LINE OF WEST 84 STREET, HIALEAH, FLORIDA FOR A DISTANCE OF 164.88 FEET; THENCE SOUTH 02°34'25" EASTERLY FOR A DISTANCE OF 152.35 FEET TO A POINT; THENCE SOUTH 87°25'35" WESTERLY FOR A DISTANCE OF 164.75 FEET TO A POINT ON THE WEST BOUNDARY LINE OF SAID TRACT 11; THENCE NORTH 02°34'25" WESTERLY ALONG SAID WEST BOUNDARY LINE OF TRACT 11 FOR A DISTANCE OF 158.71 FEET TO THE POINT OF BEGINNING.

Section 3: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be assessed a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty prescribed above, the city may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 5: Additional Penalties upon Violation of Conditions of Use.

Any change of the terms and conditions of the use identified in this ordinance and as provided in the Declaration of Restrictive Covenants, if submitted, will cause a revocation of the city occupational license if issued in connection herewith and the property shall revert to the zoning classification without the benefit of the conditional use and associated variances.

Section 6: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 7: Effective Date.


This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED and ADOPTED this 22nd day of March, 2011.

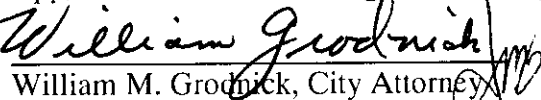
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 168.041
PRIOR TO FINAL READING.

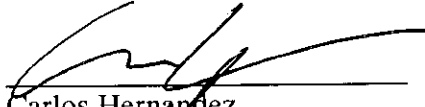
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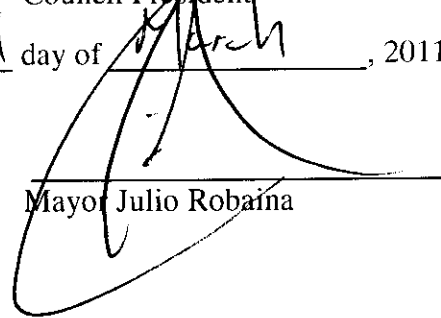
Approved on this 31 day of March, 2011.


David Concepcion, Acting City Clerk

Approved as to form and legal sufficiency:


William M. Grodnick, City Attorney


Carlos Hernandez
Council President


Mayor Julio Robaina